HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18298 OF 2007

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Between:
Ms.Tahera Yusuf Kadri

..... Petitioner

AND

Greater Municipal Corporation of Hyderabad
represented by its Special Officer/Commissioner,
Hydeabad and another.

.....Respondents

::ORDER::

Counsel for the Petitioner : Sri N.Sridhar Reddy for Sri Balaji Medamalli

Counsel for the Respondents : Smt.Kalpana Ekbote
Standing Counsel

Dated 30.8.2007

Per Sri G.S.Singhvi, CJ

This is a petition for quashing notices dated 30.6.2007 and 4.7.2007 issued by the functionaries of the Greater Hyderabad Municipal Corporation under Sections 452 and 461 of the Hyderbad Municipal Corporation Act, 1955 (for short 'the Act') proposing to demolish the construction made by the petitioner in property bearing No.6-3-790/10 to 13, Ameerpet Main Road, Hyderabad.

At the hearing, we enquired from Smt.Kalpana Ekbote, learned standing counsel for Greater Hyderabad Municipal Corporation whether the representation made by the petitioner has been decided and notice under Section 636 of the Act has been issued.

In reply, Smt.Kalpana Ekbote gave out that so far the matter has not been decided by the competent authority. She further gave out that the disputed construction shall not be demolished without deciding the representation of the petitioner and without issuing notice under Section 636 of the Act.

In view of the above, the writ petition is disposed of in the following terms.

1. The competent authority of Greater Hyderabad Municipal Corporation shall, within one month from today, pass appropriate order after considering the representation made by the petitioner in response to the show cause notices dated 30.6.2007 and 4.7.2007.

2. If the authority concerned comes to the conclusion

that the construction made by the petitioner is contrary to the sanctioned plan or is in violation of the provisions of the Act or the Rules, Regulations etc., framed thereunder and the same is required to be demolished, then appropriate notice in terms of Section 636 of the Act shall be issued to her.

3. Till the issue of notice under Section 636 of the Act and for a period of next seven days, the demolition shall not be carried out. Within that period, the petitioner shall be free to avail appropriate legal remedy.

As a sequel to disposal of the writ petition, WPMP No.23487 of 2007 filed by the petitioner for interim relief is also disposed of.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Dt.30.8.2007

msv